

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alyssa Rogowski	Team: Squad #7	CCRB Case #: 201805553	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/10/2018 9:30 AM	Location of Incident: [REDACTED]	Precinct: 42	18 Mo. SOL 1/10/2020	EO SOL 1/10/2020	
Date/Time CV Reported Tue, 07/10/2018 1:28 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 07/10/2018 1:28 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POF Sherita Sears	25271	939443	042 PCT
2. SGT Sindy Sanchez	00546	939761	042 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Shanturah Brathwaite	00913	938109	042 PCT
2. POF Melissa Sotogermosen	22475	934198	042 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Sherita Sears	Force: At East 167th Street and Webster Avenue, Police Officer Sherita Sears used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.POF Sherita Sears	Discourtesy: At East 167th Street and Webster Avenue, Police Officer Sherita Sears spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
C.POF Sherita Sears	Off. Language: At East 167th Street and Webster Avenue, Police Officer Sherita Sears made remarks to § 87(2)(b) [REDACTED] based upon her gender.	[REDACTED]
D.SGT Sindy Sanchez	Abuse: At the 42nd Precinct Stationhouse, Sergeant Sindy Sanchez did not process § 87(2)(b) [REDACTED]'s complaint regarding an officer.	[REDACTED]
E.SGT Sindy Sanchez	Abuse: At the 42nd Precinct Stationhouse, Sergeant Sindy Sanchez threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On July 10, 2018 at around 9:30 am, § 87(2)(b) noticed a car accident near the intersection of E 167th Street and Webster Avenue in the Bronx. As § 87(2)(b) was speaking with § 87(2)(b) one of the drivers involved, Police Officer Sherita Sears of the 42nd Precinct, approached her from behind and allegedly pushed her away from the car (**Allegation A** § 87(2)(g)). PO Sears allegedly said, "Get the fuck out of here, what are you doing?" (**Allegation B**- § 87(2)(g)). PO Sears then allegedly called § 87(2)(b) a "bitch" (**Allegation C**- § 87(2)(g)).

§ 87(2)(b) went to the 42nd Precinct stationhouse to make a complaint about PO Sears. At the 42nd Precinct stationhouse, § 87(2)(b) spoke with Sergeant Sindy Sanchez of the 42nd Precinct who identified PO Sears but allegedly did not take § 87(2)(b)'s complaint (**Allegation D**- § 87(2)(g)). Sgt. Sanchez told § 87(2)(b) that she was going to interview § 87(2)(b) about whether § 87(2)(b) had been soliciting for a tow company and would then call § 87(2)(b). Sgt. Sanchez also informed her that she could be arrested for solicitation of tow services. § 87(2)(b) received a call from Sgt. Sanchez who allegedly told § 87(2)(b) that she should avoid the 42nd and 44th Precincts and not "show her face in the Bronx" which § 87(2)(b) took as a threat (**Allegation E**- § 87(2)(g)).

The investigation obtained video footage capturing the officers on-scene and dialogue between § 87(2)(b) and bystanders from § 87(2)(b) but no video exists of the incident (Board Review 16).

Findings and Recommendations

Allegation A—Force: At East 167th Street and Webster Avenue, Police Officer Sherita Sears used physical force against § 87(2)(b)

§ 87(2)(b) provided a phone statement and an in-person sworn statement to the CCRB (Board Review 01 and 02).

In her in-person statement, § 87(2)(b) stated that she approached the accident because she did not see any officers or EMTs on scene. She approached one vehicle and spoke to the driver, who introduced himself as § 87(2)(b). § 87(2)(b) told § 87(2)(b) that she could refer him to some medical offices that she knew through her work and gave him a business card.

As § 87(2)(b) was speaking with § 87(2)(b) PO Sears approached § 87(2)(b) from behind. Without first saying anything to § 87(2)(b) PO Sears proceeded to grab § 87(2)(b) by the arm and pull her away from the driver's side door, then push her away from the car, causing § 87(2)(b) to stumble backwards.

Video footage was obtained from § 87(2)(b) who had filmed several clips on her cellphone. The footage embedded below captures her discussing the incident with bystanders after the fact and does not capture this allegation (Board Review 14).



201805553_20181102_0943_DM.MOV

This video clip captures some conversation between § 87(2)(b) and bystanders after the incident with PO Sears. § 87(2)(b) is holding her cell phone during this video and is not filming anything in particular. The frame mostly captures the chests of other civilians who were bystanders to the accident and views of the street. From 0:00 to 0:24, § 87(2)(b) can be heard speaking with male civilians about how the officer was disrespectful to her. At 0:24, a male voice

asks § 87(2)(b) "Did the police hit you?" to which § 87(2)(b) replies, "No, no, no she was just being disrespectful."

§ 87(2)(b) provided a phone statement (Board Review 03). § 87(2)(b) stated that after the accident, he was unconscious for a few moments. When he regained consciousness, § 87(2)(b) standing by his car asking if he was okay. He then recalled an officer repeatedly telling § 87(2)(b) to "step back" away from his car. The officer was speaking firmly because § 87(2)(b) was not obeying. He did not recall any officer touching § 87(2)(b) in any way.

PO Sears stated that as she and PO Brathwaite were driving northbound on Webster Avenue, they noticed an accident near East 167th and Webster Avenue (Board Review 04). They did not see the accident happen but observed vehicles stopped in the middle of the street and a crowd of people. They were the first officers on-scene.

PO Sears approached the vehicle stopped near the median while PO Brathwaite approached another vehicle. PO Sears observed that the driver, known to the investigation as § 87(2)(b) was injured. After speaking with § 87(2)(b) PO Sears turned away from his car to go over the radio and check the status of the ambulance. When she turned back to the car to tell § 87(2)(b) EMS was arriving, she saw a woman, whom she recognized as § 87(2)(b) leaned into the driver's side door speaking with the injured driver.

PO Sears recognized § 87(2)(b) from another accident that occurred about a month before. At that accident, § 87(2)(b) had been soliciting for a tow company. PO Sears told § 87(2)(b) that she knew who § 87(2)(b) was and that § 87(2)(b) needed to move away from the accident. § 87(2)(b) waved her hands emphatically and spoke loudly about how she did not have to leave. PO Sears turned back to the injured motorist and ignored § 87(2)(b) then crossed the street to the sidewalk and began recording PO Sears on her phone and talking loudly about her. Throughout the interaction, § 87(2)(b) did not get within arms' length of PO Sears. PO Sears never had any physical contact with § 87(2)(b). She did not grab, pull, or push § 87(2)(b).

PO Brathwaite stated that she and PO Sears both approached the damaged vehicle stopped in the turning lane, with PO Sears going to the driver side and PO Brathwaite approaching the passenger side (Board Review 07). When she first approached the vehicle, PO Brathwaite observed § 87(2)(b) leaning into the driver's side door and speaking with the driver. Less than a minute after approaching the vehicle, PO Brathwaite noticed PO Sears and § 87(2)(b) conversing. PO Brathwaite was still at the passenger side of the vehicle but could see and hear PO Sears and § 87(2)(b) and observed that they were standing about 2.5 feet apart.

PO Brathwaite heard PO Sears tell § 87(2)(b) that she needed to step back. § 87(2)(b) started cursing and getting louder so PO Brathwaite came around the vehicle to the driver's side. By the time PO Brathwaite reached the driver's side, the woman was already backing up away from PO Sears. The only time PO Brathwaite was not in view of PO Sears and § 87(2)(b) during their interaction was when she came around the back of the car, after which she observed that § 87(2)(b) had backed away. PO Sears did not inform PO Brathwaite of any physical contact with § 87(2)(b).

Sergeant Sindy Sanchez of the 42nd Precinct stated that while § 87(2)(b) was discussing her complaint at the stationhouse, § 87(2)(b) told her that one of the officers at the accident got too close to her and kept telling her to leave (Board Review 05, 06). § 87(2)(b) alleged that an officer either touched or pushed her.

Video IA 78

From 0:20 - 0:41, § 87(2)(b) is heard discussing how the officer cursed at her. A male voice responds that he heard the officer curse at her. § 87(2)(b) then states that the officer told her to "Get the fuck out of here." A different male voice in the background can be heard saying "yeah, "Get out of here"".

It is undisputed that PO Sears told § 87(2)(b) to back away from the accident multiple times. § 87(2)(g), § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation D—Abuse of Authority: At the 42nd Precinct Stationhouse, Sergeant Sindy Sanchez did not process § 87(2)(b)'s complaint regarding an officer.

§ 87(2)(b) stated that when she left the accident, she went straight to the 42nd Precinct stationhouse and asked to speak with a sergeant to file a report about the officer she had interacted with at the accident. Sgt. Sanchez approached her and took her into the entrance area of the stationhouse. § 87(2)(b) told Sgt. Sanchez that she just wanted to file a complaint against the officer at the accident who had touched her. § 87(2)(b) asked for the name of that officer and after hearing a description and seeing a photograph, Sgt. Sanchez identified the officer as PO Sears. Sgt. Sanchez did not take a complaint from § 87(2)(b). Rather, § 87(2)(b) filed her complaint with the CCRB online.

Sgt. Sanchez stated that § 87(2)(b) told her one of the officers at the accident was very rude and discourteous to her. § 87(2)(b) said that the officer got too close to her and kept telling her to leave. Sgt. Sanchez asked § 87(2)(b) if she wanted to file a complaint and when she responded that she did, Sgt. Sanchez called Police Officer Melissa Sotogermosen of the 42nd Precinct to assist in taking § 87(2)(b)'s information.

Sgt. Sanchez told § 87(2)(b) that there were several ways she could file her complaint and that they could take the complaint for her now or provide her with other ways to file if she did not want to stay. § 87(2)(b) stated that she did not have time to file it at the stationhouse. Sgt. Sanchez provided her with options to file her complaint including calling the CCRB, emailing the CCRB, appearing in person at the CCRB, filing at the Precinct, or filing online with the CCRB. § 87(2)(b) asked Sgt. Sanchez to identify the officer she had interacted with and as Sgt. Sanchez knew the officers on scene, she was able to provide § 87(2)(b) with the name of PO Sherita Sears.

PO Sotogermosen recalled that Sgt. Sanchez called her over to the front area of the stationhouse (Board Review 08). As she approached, PO Sotogermosen observed that Sgt. Sanchez was speaking with a woman, § 87(2)(b) and heard Sgt. Sanchez telling § 87(2)(b) that she could take her complaint at the stationhouse if she wanted. Sgt. Sanchez then asked PO Sotogermosen to get the phone number and information for the CCRB. PO Sotogermosen went to the desk and wrote the CCRB phone number, email address, and physical address on a piece of paper. She then gave the paper to § 87(2)(b) explained the information, and confirmed that § 87(2)(b) could read the information clearly. Sgt. Sanchez then repeated that § 87(2)(b) could file her complaint immediately but § 87(2)(b) replied that she would file the report on her own time.

NYPD Patrol Guide Procedure 207-31 outlines the procedure for processing civilian complaints against members of service. According to section 2d of this procedure, the member of service receiving the complaint must “advise complainant that the complaint may be delivered in person, taken over the telephone, or sent by mail to any patrol Precinct, police service area, transit district, traffic unit, Internal Affairs Bureau, or any other officer of the Department, including the officer of the Police Commissioner or office of a deputy commissioner. IN ADDITION, provide the complainant with the telephone number of the Civilian Complaint Review Board, Intake Unit at 1-800-341-2272” (Board Review 13).

It is undisputed that Sgt. Sanchez identified PO Sears for § 87(2)(b) § 87(2)(g), § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation E—Abuse of Authority: At the 42nd Precinct Stationhouse, Sergeant Sindy Sanchez threatened to arrest § 87(2)(b)

§ 87(2)(b) stated that during her conversation with Sgt. Sanchez at the 42nd Precinct stationhouse, Sgt. Sanchez told § 87(2)(b) that solicitation was a crime and § 87(2)(b) could be arrested if she was soliciting tow services. Sgt. Sanchez then told her that she would investigate whether § 87(2)(b) had been soliciting for tow services at the accident and that she planned to interview § 87(2)(b) about his conversation with § 87(2)(b) and agreed to call § 87(2)(b) after speaking with § 87(2)(b). About an hour or two later, § 87(2)(b) received a call from Sgt. Sanchez who stated that § 87(2)(b) told her that § 87(2)(b) had been soliciting tow services. Sgt. Sanchez told § 87(2)(b) that she would not arrest her but that § 87(2)(b) should avoid the 42nd and 44th Precincts and not “show her face in the Bronx,” which § 87(2)(b) took as a threat.

Sgt. Sanchez stated that after telling § 87(2)(b) how she could file her complaint, Sgt. Sanchez told § 87(2)(b) that she would be investigating allegations that she had been soliciting for a tow company at the accident and that she would send someone to the hospital to interview § 87(2)(b). § 87(2)(b) asked Sgt. Sanchez to give her a call after she obtained the driver’s statement. As per § 87(2)(b)’s request, Sgt. Sanchez called § 87(2)(b). Sgt. Sanchez told her that the motorist said § 87(2)(b) had been soliciting tow services and that he provided a physical description of § 87(2)(b) and her clothes that matched what Sgt. Sanchez had seen § 87(2)(b) wearing. Sgt. Sanchez informed § 87(2)(b) that solicitation of tow services is an arrest-level offense. Sgt. Sanchez did not threaten to arrest § 87(2)(b) nor did she tell § 87(2)(b) to stay out of the 42nd or 44th Precincts. Sgt. Sanchez did not tell § 87(2)(b) to not show her face in the Bronx.

PO Sotogermosen never heard any officer threaten to arrest § 87(2)(b) or tell § 87(2)(b) to stay out of the 42nd or 44th Precincts or the Bronx.

It is undisputed that Sgt. Sanchez suspected § 87(2)(b) had been soliciting tow services at the accident. It is also undisputed that Sgt. Sanchez informed § 87(2)(b) that she could be arrested for soliciting tow services. While § 87(2)(b) did not take those statements as a threat of arrest, § 87(2)(b) did take Sgt. Sanchez’ alleged statements to stay out of the 42nd and 44th Precincts and to not “show her face in the Bronx” as a threat of arrest. § 87(2)(g)

§ 87(2)(b) § 87(2)(g), § 87(2)(b)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) § 87(2)(g)
- PO Sherita Sears has been a member-of-service for 13 years and has been a subject in 2 prior CCRB complaints and 3 allegations, none of which were substantiated. § 87(2)(g)
- Sergeant Sindy Sanchez has been a member-of-service for 13 years and has been a subject in two prior CCRB complaints and 3 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- According to the Office of the Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 11).
- As of October 26, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (Board Review 10).

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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